

REMARKS

I. Introduction

Claims 6-11 are currently pending in the present application and remain rejected. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

II. Rejection of Claims 6-7 Under 35 U.S.C. § 102(e)

Claims 6 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,287,884 ("Koike"). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Applicants submit that Koike is not a valid prior art reference as applied against the present application. The earliest effective filing date of Koike for 102(e) (and for 102(a)) is January 24, 2003, which is after the earliest effective filing date of the present application for 102 (e) and 102(a) purposes, i.e., July 11, 2002 (the filing date of the priority German Patent Application 10231362.8). Furthermore, since the earliest publication date of Koike is August 7, 2003, which is after the U.S. filing date of the present application, February 26, 2003, Koike is not a valid 102(b) reference. Applicants are submitting herewith an English language translation of the priority German Patent Application 10231362.8, along with a statement by the translator indicating that the translation of the certified copy is accurate.

III. Rejection of Claims 7-11 Under 35 U.S.C. § 103(a)

Claims 7-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,287,884 ("Koike") in view of U.S. Published Patent Application No. 2002/0134607 ("Recknagel").

Claims 7 to 11 depend from claim 6. As noted above, Koike is not a valid prior art reference as applied against the present application. In addition, Recknagel clearly fails to teach or suggest all of the elements of claims 6-11. Accordingly, the rejection of claims 7-11 based on Koike and Recknagel must be withdrawn.

Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims 6-11 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,



(R. NO.
36,197)

Dated: August 20, 2008

By: Jong Lee for Gerard Messina
Gerard A. Messina
Reg. No. 35,952

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO 26646